Scott. II-27—45,006—19-10-39.

(19 40) Department.

SERIES.

G.O. No. 656

Dated 12 · 3 · 40

[Despatch Abstract.]

C.F. 30.

Fisheries **DEPARTMENT.**

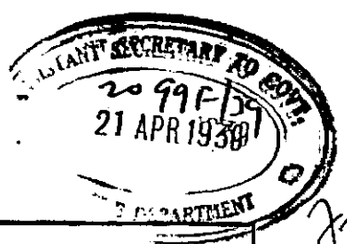
Received ..... 19 *Registered* 10460 19 .

Subject.

Fish curing yards - Private - Kidiyur - Assignment of plot.

Dev. Dept.

Revenue Dr. G: with enclosure



Dev. Dr. G.O.No. 460-VI/39-1
Ro. 4.39. P.S.
17.4.39

17439

Ref. No. 3205-F/38-3.

ENCLOSURES.
No. .....
.....
Spare copies .....

Station Madras., *Dated the* 3rd April 1939.

From (*Name*) Diwan Bahadur Dr.B.Sundara Raj, M.A.,Ph.D.,

(*Designation*) Director of Fisheries.

To The Secretary to the Government of Madras,

Development Department.

Sir,

p. 67 (N)

In G.O.No. 4 Ms. Revenue dated 3-1-1938, Government ordered that the land required for the fish curing yards should be alienated either free or on payment of market value for use as fish curing yards alone, and that applications may be made to the Collector of South Kanara. The Collector of South Kanara in his proceedings D.Dis. No.2153-38 dated 3-5-1938 ordered the conditional assignment of S.No.71-1/3 (measuring 1-20 acres) of Kidiyur village to one Mr.Sankesha Shesha Marakala of Kidiyur for use as a private fish curing

p.t.o.

yard with the restrictions imposed in Appendix VII of B.S.O. Vol.I (Vide copy of his proceedings enclosed). Subsequently the Collector is stated to have revised his order in his D.Dis. 5473/38 dated 3-9-1938 rejecting the dharkast application presumably because the Government had ordered the alienation of the site and not its assignment. Thereupon Mr.Sesha Marakala petitioned to me on 3-11-1938 stating that he had paid the site value of Rs.300/- into the Udipi Sub Treasury on 23-6-38 on the strength of the Collector's first order and erected buildings costing Rs.2,500/- on the said plot for the purpose of fish curing yard and that he had used the plot as a fish curing yard from 13-10-1938, and the Collector's revised order in his D.Dis.5473/38 dated 3-9-1938 has come as a great disappointment to him. A copy of his petition is enclosed. On referring the petitioner to the Assistant Director (Coast),Calicut, I understand that in his Ref.No.B-3-7616/38 dated 15-11-1938 (Vide copy enclosed) the Collector has since furnished Sesha Marakala with an appendix setting forth the conditions for the alienation of the land in his favour, and asked him if he will abide by those conditions. The conditions imposed by him are almost the same as those given in B.S.O. 24(10), and they are more stringent than those contemplated in Appendix VII of B.S.O. Vol.I which govern the assignment of land for fish oil and fish guano factory in the Districts of Malabar and South Kanara. It is the additional conditions not contemplated in Appendix VII of B.S.O. Vol.I and now imposed which Mr. Sesha Marakala complains as a hardship and I consider that his grievances are real and G.O.No.Ms.4 Revenue, dated 3-1-1938 does not contemplate the imposing of all

these conditions. I therefore request that Government be pleased to revise their orders in the G.O. quoted abov if necessary, to enable the Collector to treat the aliena -tion as a special case of conditional assignment with th only condition that the site should be used for fish curi yard purposes only.

I have the honour to be,

Sir,

Your most obedient servant,

C.R. Nateśa Pillai

for Director of Fisheries.

Copy of proceedings D.Dis.No.2153-38 dated 3-5-1938 of the Collector of South Kanara.

Transfer - Land - Udipi Taluk - No.71 Kidiyur village - S.No. 1/3(measuring 1.20 acres) - porambok fish curing yard to ayan - sanctioned.

Read:- 1. Udipi Tahsildar's reports N.Ref.B1-4535-36 dated 16-8-37 and 31-8-37 and N.Ref.B1-8595-37 dated 11-11-37, 26-1-38, 9-2-38 and 23-3-38 received with Coondapoor Rev.Divl.Officer's Endt. N.Dis. 7354-37 dated 3-4-38.

2.This office L.Dis. 5243-37 dated 1-11-37.

The plot S.No. 1/3(measuring 1.20 acres) newly carved out of 'Poramboke Fish curing yard' 1/1 of No.71 Kidiyur village, Udipi taluk, is transferred from Poramboke to ayan at the adjoining dry rate of assessment of Rs.2/- per acre attached to the soil classification and taram of 7-1-1 for conditional assignment in favour of one Sankesha Shesha Mara--kala of Kidiyur for use as a private fish curing yard. Site value of Rs.250/- per acre should be collected from the pro--posed assignee as consented to by him before ordering the assignment. There is no back assessment due.

2. The assignment should be made subject to the restric--tion that the plot will be resumed when it ceases to be used as a fish curing yard and also on the condition applicable to, the assignment as laid down in Appendix VII of B.S.O. Vol.I with suitable modifications with regard to the provisions in condition 6.

3. The sub-division records are sanctioned.

*****

Copy of petition dated 3-11-38 of Kidiyur Sankesha Sesha Marakala, nephew of Tukra Marakala, residing in Kidiyur village, Udipi taluk, Post Udipi.

--

That in D.Dis. No. 2153/3-5-38 the District Collector wa pleased to transfer S.S.No.1/3 measuring 1 acre 20 cents of Kidiyur village from Poramboke to Ayan and to assign the same in favour of the petitioner on collection Rs.300/- as site value thereof calculating at Rs.250/- an acre subject to the conditions (1) that the plot would be resumed when it ceased to be used as a fish curing yard (2) and that are applicable to assignments as laid down in Appendix VII of B.S.O. Vol.1.

2. That in pursuance of the said Order, the petitioner has paid Rs.300/- into the Udipi Sub Treasury on 23-6-1938, and has erected buildings costing about Rs.2,500/- on the said

plot for purposes of the yard and the petitioner has opened and used the plot as a fish curing yard from 13-10-1938.

3. That to his utter disappointment, the petitioner learns that the District Collector has been pleased to intend that the District Collector's said previous order of assignment, from the Revenue Inspector, Udipi Firka who has taken down the petitioner's deposition on 20-10-1938 wherein the peti--tioner has explained his grievances and hardship that may result as a consequence thereof.

4. That on the firm belief and on good faith that the plot has been assigned to the petitioner, the petitioner has paid the site value, has erected substantial and costly buildings, and has opened the fish curing yard in the said plot. Still some buildings are to be constructed to meet the demand and necessities of the fish curing yard.

5.That the petitioner humbly submits, that it is a great hardship, monetary loss to the petitioner if the Order of assignment is cancelled, for the reasons stated above.

6. That the petitioner humbly prays that the District Collector be pleased to confirm the previous order passed by him in his D.Dis.No. 2153/3-5-38 and the absolute assignment of the said plot to the petitioner; and in the alternative, if it is not possible in any event, which the petitioner hopes not, the District Collector will be pleased at the time of making the alienating the plot to the petitioner to order refund of the site value already paid and allow compensation for improvements effected, if for any reason the petitioner is comstrained to close the plot as a fish curingyard.

Copy of the orders passed on the statement obtained by the Revenue Inspector from Sankesha Shesha Marakala by the Collec--tor of South Kanara in his Ref. C.No. B-3-7616/38 dated 15-11-1938 with an appendix.

With reference to your request for the alienation of S.No. 1/1B of Kidiyur village, Udipi taluk for purpose of fish curing yard, please let me know whether you agree to abide by the conditions mentioned in the appendix.

Appendix.

1. The land shall be used for the purpose of fish curing yard and for no other purpose.

Particulars of land.

Taluk-Udipi.
Village - Kidiyur.
S.No. - 1/1B
Assessment - 2-6-0
Extent - 1.2 acres.

2. The buildings as specified in the margin shall be erected on the land within 2 years from the date of the grant. No other buildings shall be erect--ed on the land without the previous permission of the Collector.

Particulars of buildings.

A fish curing yard.

3. The grantee shall maintain the buildings after their construction in accordance with condition 2, in good condi--tion. Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the event of default, the repairs shall be carried out by the Collector and the cost thereof recovered from the grantee.

4. The Government may resume the land wholly or in part with any buildings thereon in the event of infringements of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee - and the grantee shall not

be entitled to the repayment of any amount that may have been paid to the Government for the grant). If there are buildings on the land, the Government may direct the grantee to remove them.

5. The Government may resume the land wholly or in part with any buildings thereon, if in the opinion of the Govern-ment the land is required for a public purpose or for conduct-ing mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and the trees shall in no case exceed the amount paid for them by the grantee or their at the time of resumption or acquisition whichever may be less.

6. In the event of resumption or acquisition of the plot for any reason, no compensation shall be payable for any buildings erected without permission.

7. In the event of resumption under condition 5, if there are buildings on the land, the Government may at their option either shall

(a) purchase the buildings, or

(b) direct the grantee to remove the buildings.

8. In the event of the resumption of the land followed by the purchase of the buildings under condition 7 or in the event of acquisition of the land for any reason the compensa-tion payable for buildings or other improvements shall be in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. Any grant which may be made by the Government towards the cost of any buildings shall be deducted from the compensation payable to the alienee. In no circumstances shall any compensation be paid by the Govt for buildings constructed in contravention of condition 2.

9. In the event of the grantee refusing to remove buildings,

when so directed under conditions 4 or 7, the Government may remove them and realise the cost of removal by the sale of the materials.

10. In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been executed on the land by the grantee, but the grantee shall not be entitled to the repay-ment of any amount that may have been paid to the Government for the grant.

11. The alienation will be subject to payment of annual assessment on the land revisable at resettlements.

12. The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District

13. The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection and for the careful protection of the immature trees growing on the land.

14. The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and not tampered with.

15. In the event of the infringement of, or failure to observe any of the conditions (1) to (14) the alienee shall pay the Government such compensation as is determined by the Collec-tor of the District for any loss or damage caused by such infringement or failure on his part. The Government shall als be at liberty to resume the land and re-enter on it and the whole land shall thereupon rest absolutely in the Government.

p.t.o.

In that case the alienee shall not be entitled to any compensation whatever.

10

REVENUE DEPARTMENT.

ASSIGNMENT - Land -(South Kanara) - Udipi taluk - Kidiyur village - S.No.1/3 Fish curing yard - Sankesha Shesha Marakala.

From the Director of Fisheries, Ref.No. 3205-F/38-3, dated 3.4.1939.

ENDT.NO. 2099 F/39-1, dated 2.5.39.

Referred to the Board of Revenue for remarks. The Bd. is also requested to obtain and furnish a copy of the Collector's D.Dis.No.5473/38, dated 3.9.38, referred to in the letter from the Director of Fisheries quoted above.

To the Board of Revenue.
(With copy of letter & enclos)

C.F. 31—14,000—7-7-37.

Revenue **DEPARTMENT.**

CURRENT No.

Received _____ 19 *Registered* _____ 19

SECRETARY TO G
21 SEP 1939
5129 F48

Subject.

Alienation - land (South Kanara) Udipi taluk - Kidiyur village - S.No.1/1B fish curing yard - Sri.Sankesha Sesha Merakala - Report submitted.

Refce. F. No. 1878-39-4

Station Madras, *Dated the* 25th September 1939. 19

From S.Venkateswaran, Esq., I.C.S.,
Secretary,
Board of Revenue.

To F.W. Stewart, Esq., C.I.E., M.C., I.C.S.,
Commr. of Land Revenue.

Read the following paper:-

Endorsement from the Government, Revenue Dept.2099 F39-1 dated 2nd May 1939.

Letter from Sri Diwan Bahadur M.V. Vellodi, B.A. Collector of South Kanara, Ref.7616-38 B.3. dated 12th July 1939.

Reference:

With reference to the Government endorsement cited above, the Board begs to submit the following report:-

Sri.Sankesha Sesha Marakala of Kidiyur village applied to the Collector of South Kanara in 1936 for the assignment of S.No.1/1B of the village for a fish curing yard.

The S.No. is registered in the accounts as poramboke. The Collector in his D.Dis.No.2153/38 dated 3-5-38 at first ordered the transfer of the land from poramboke to ayan and its assignment to the applicant subject to the payment of the market value and to the conditions laid down in Appendix VI to B.S.O. 15-35 (viii) , with condition No.(6) suitably modified. As, however, Government ordered in G.O.Mis.4 Rev dated 3rd January 1938 that land required for the purpose o fish curing yards should be alienated, the Collector in his D.Dis. 5473/38 dated 3-9-1938 dropped the question of conditional assignment and called for proposals for the alienation of the plot in favour of the applicant. After considerable protest the applicant agreed to the conditions laid down in G.O. 431 Revenue, dated 17th February 1938 and the Collector has submitted proposals for the alienatior of the land to him. He has reported that the applicant has paid the market value of the site Rs.300/-) and th value of the one Honne tree Re. 0-6-0. into the treasury.

2. In his letter Ref.No.3206-F-38-3, dated 3rd April 1939 referred to the Board for remarks. the Director of Fisheries states that the conditions of alienation offered to the petitioner, are too stringent that G.O.No.4 Revenue, dated 3rd January 1938 did not contemplate imposing all these conditions and that the G.O. might be revised to enabl the Collector to treat the alienation as a special case of conditional assignment with the only condition that the site should be used for fish curing yard purposes only.

3. The Board observes that assignments in the case of fish oil and fish guano factories are subject to the conditions in Appendix VI to B.S.O. 15-35 (viii). The purpose for which the petitioner requires the land is similar Conditions Nos.(6) and (10) to (15) in this appendix are similar to the conditions appended to G.O. 431, Revenue, dated 17th February 1938. The Board is unable to see how

how the grantee will suffer hardship if the land is alienated to him rather than assigned. In any case of alienation these minimum conditions have to be imposed and there is no question of dispensing with them. The conditions in B.S.O. 24-10, as revised in G.O. 431 Revenue dated 17th February 1938, leviable in this case are more liberal than those in Appendix VI to B.S.O. 15-35 (viii), as provision is made in them for the repayment of the amount paid by the alienee in the event of voluntary relinquishment and for the Government compulsorily acquiring the buildings when the land is required for a public purpose or for conducting mining operations. So long as the alienee does not violate the conditions of the alienation, his tenure of the land is as good as holding it under such an order of assignment. In the circumstances, the Board considers it unnecessa to revise the orders in G.O.Ms. 4 Revenue dated 3rd January 1938, as suggested by the Director of Fisheries.

4. The Board also considers that in order to have proper control of the alienations for fish curing yards it desirable to impose the remaining conditions in Appendix V to B.S.O. 15-35 (viii), also, except conditions (1) and (5 as special conditions in these cases. A list of the condi that may be imposed in such cases is submitted. If the Go ment approve the proposal, the consent of the alienee to t special conditions will also be obtained and submitted.

5. A copy of the Collector's order D.Dis.5473/38 d 3-9-1938 is also submitted.

for Secretary. 26.9.

To the Secretary to Government, Revenue Dept.
with alienation statement, and a sketch.
and copy of Collector's letter No.D.Dis.5473/38
dated 3-9-38 and copy of conditions.

VN/25.9.

Copy of Proceedings of the Collector of South Kanara No.D.Dis. 5473-38 dated the 3rd September 1938.

Assignment - Land - Udipi taluk - Kidiyur village - S.No.1/3 (1.20 acre) - Conditional assignment for fish curing yard - proposal - negatived.

Read: (1) Udipi Tahsildar's report Ref.D.R. 352/47, dated 31-7-1938 and

(2) Coondapoor Revenue Divisional Officer's endorsement N.Dis. 4706-38, dated 12-8-1938.

Under Board's Proceedings Mis.524, dated 18-2-1938, it is mandatory that lands required for fish curing yards should be alienated either free or on payment of market value for use as fish curing yards alone. In this case, the applicant, Sankesha Shesha Marakala desires the land for use as fish curing yard and has paid the market value of the land. The Tahsildar is therefore requested to submit proposals for the alienation of the plot (land only) in favour of the applicant for the purpose of a fish curing yard.

Sd/- C.Innayya Reddi.
3-9-38
For Collector.

To the Tahsildar, Udipi, with the connected papers (pages 1 to 64)

Copy to the Revenue Divisional Officer, Coondapoor.

Copy to the Revenue Divisional Officer, Coonjapoor.

To the Tahsildar, Vijpi, with the connected papers
(pages 1 to 64)

for collector

-sd- C.Innayya Reddi
2-9-38

purpose of a fish curing yard.

of the plot (land and) in favour o the applicant for the pur
le therefore requested to submit proposals for the alienat on
yard and one paid the market value of the land. The Tahsildar
Tankesena Chenchu Narsimlu desires t land for use as fish cur
a flat coping yards alone. In this the ground,
be alien ted either free or on payment of nominal price for pur
it is need for that land required for curing yards al
Under Board's Proceedings No.5544 dated 18-8-1923,
ment Vijia. 4706-36 dated 18-8-1936.

(2) Coonjapoor Revenue Divisional Officer's endor
1-7-1936 and

Read: (1) Vijpi Tahsildar's report f. no. 3564/37, dat

yard - proposed - negatived.

f. 0.1/2 (1.20 acre) - Conditional east patent for fish curi

patronage - land - Vijpi tahsil - Tahsildar will go -

List of conditions

Subject to the payment of Rs.
the alienation will be free of charge for the occupancy right but subject to assessment which will be liable to revision from time to time according to the rules in force at the time of such revision and subject to the payment of Re. being the value of the trees standing on the land and subject also to the following conditions to which the alienee has ~~ex~~ agreed:

(1) The land shall be used as the site of a fish curing yard and for no other purpose.

(2) The alienation of the rights hereby devised without the sanction of the Government to a person other than a British subject or a subject of an Indian state shall invalidate the grant.

(3) No building other than one absolutely necessary for fish curing operations shall be constructed on the land without the previous permission of the Collector of the district

(4) The land shall be subject to all general taxes and local rates payable by law or custom.

(5) The grantee shall comply with all such orders as the Collector of the district or any other competent officer may issue from time to time to prevent any nuisance being caused by the grantee's methods of conducting his business.

(6) The grantee shall obtain a licence for the establishment of the fish curing yard from the President of the Local Board.

(7) The grantee shall permit all inspecting officers of Government with or without workmen or others at all reasonable times to enter upon the premises and to view the condition ~~thereof~~ thereof and to satisfy themselves that the conditions of the alienation are fulfilled.

(8) that the grantee shall hand over the land with any buildings thereon if the fish curing operations cease for more

than 12 months, unless he can prove to the satisfaction of the Collector of the district that the factory had to close down for sufficient reasons.

(9) The Government may resume the land wholly or in part with any buildings thereon in the event of the infringement of any of the conditions of the grant or if the local board for any reason cancels or refuses to renew the licence already granted. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been exeucted on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant). If there are buildings on the land, the Government may direct the grantee to remove them.

(10) The Government may resume the land wholly or in part ~~with~~ with any buildings thereon if in the opinion of the Government the land is required for a public purpose including marine purposes or for conducting mining operations. In the event of such resumption or in the event of the acquisition of for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less. (In the event of resumption for marine purposes the grantee shall immediately give up possession of the land and buildings.)

(11) In the event of resumption under condition (9) (10) if there are buildings on the land the Government shall (either)

purchase the buildings,

or direct the grantee to remove the buildings.

(12) In the event of the resumption of the land followed by the purchase of the buildings under condition (10) or in the event of the acquisition of the land for any reason the compensation payable for buildings or other improvements shall in no case exceed (the amount paid for them by the

grantee at the time of alienation or their value at the time of resumption or acquisition whichever may be less together with)the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstance shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(13) In the event of the grantee refusing to remove the buildings when so directed under condition (9) or (11) the Government may remove them and realise the cost of removal by the sale of the materials.

(14) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee (but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the valu of the land at the time of relinquishment whichever may be les

(15) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at libert to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(16) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and fo the careful protection of the immature trees growing on the land.

(17) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(18) In the event of the infringement of, or failure to observe, any of the conditions (15) to alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

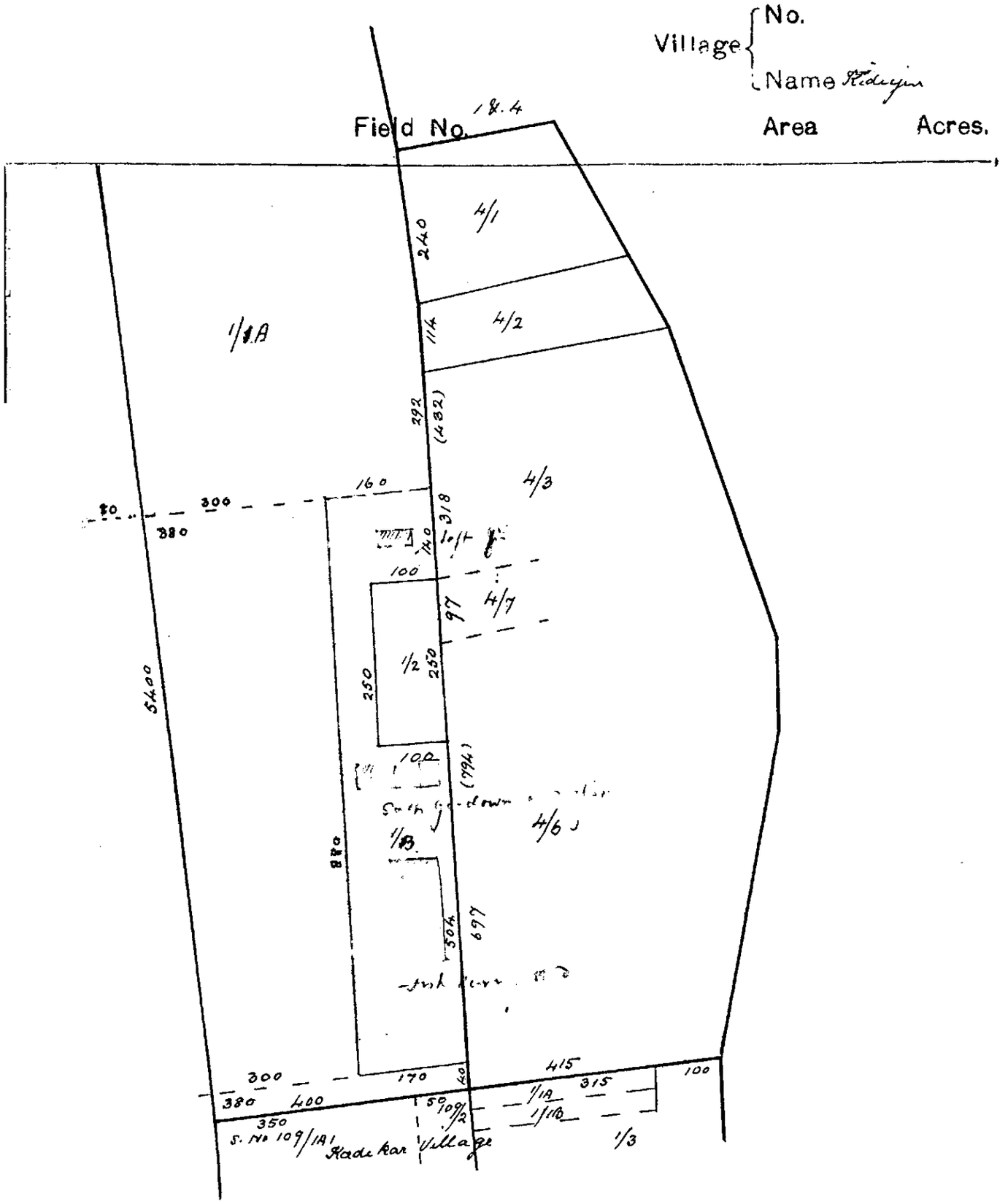
Application for the alienation of land in which the proprietary right belongs to the State.

District: South Kanara.

1.	Description and area:	S.No.1/1B of Kidiyur village in Udipi Taluk, measuring 1.20 acres.
2.	Market value:	Rs.300/- at Rs.250-0-0 peracre.
3.	Alienee and purpose of alienation.	Sankesha Sesha Marakala of Kidiyur village, Udipi taluk, South Kanara for purpose of a fish curing yard.
4.	Collector's remarks:	Recommended.

Village { No.
Name Kadeyur

Field No. 1 & 4 Area Acres.



Index

Survey No.	Hissa no.	Name of the Pattadar	Remarks.	S.No	Hissa no.	Name of the Pattadar	Remarks
1 - 1	Paramboke	Fish Curing Yard	—	1 - 1A	Garden	Kadekar Village: Thayappa ~~Kattimani~~ Shitty	
2	Dry	Koraga Marakala	Conditional assignment	1B	Do	Durgi Shetti	
				3	Do-	R. B. Krishana Rao	
4 - 1	Garden	Appanna Pujari		109-1A1	Paramboke	— Fish Curing Ya	
2	-Do-	Thabra Marakala		2	Garden	R/B. Krishana Rao	
3	Do-	Mainda Marakala		1-1B	Plot proposed for		
4	Do	Shasha Marakala					
7	Do.	R/B. Krishana Rao					
6 - 40							

Scale 1/2 inch = One Chain

L. Hanumanthu
R. I Udupi.

Rev dept.

Memo no 5129 F/39-2 & 27-10-39

Alienation - Land - (S. Kanara)
Udipi taluk - Kidiyur village -
S No 1/1B - Fish curing yard -
Sri Sankesha Seva Nirakala.
BOI refce. I No 1878-39-4 & 25-9-39

The BOI, view in para of its refce. read above that it is unnecessary to revise the order in G.O. No 4 Rev & 3-1-38 is accepted

2. The list of the conditions of alienation referred to in para 4 of the BOI refce. is approved. The BOI is requested to obtain and submit the Consent of the alienee to the special conditions.

A applt. ✓

pb of (N)

pl4 cf.

pl4 cf.

Dy
30/

of Rev.

Rm
25/10

27/10.

C.F. 31—17,006—9-2-37.

REVENUE DEPARTMENT.

CURRENT No

Received 19 *Registered* 19

Subject.

Alienation - Land - (South Kanara) - Udipi taluk - Kidiyu village - S.No.1/1B - Fish curing yard - Sri Sankeshase Sha Merakala.

Refce. E. No.1878/39-6.

tion Madras, , *Dated the* 8th February 1940

From

S.Venkateswaran Esq,I.C.S.,

Secretary,

Board of Revenue.

S.V.Ramamurti Esq., I.C.S., Commissioner of Land Revenue.

Read the following paper:--

Letter from A.C.Woodhouse Esq., C.I.E., Collector of South Kanara Ref B 3 7616/38 dated the 25th January 1940

Alienation - Land - South Kanara - Udipi taluk - Kidiyour village - S.No.1/1 B - Fish curing yard - Sri Sankesha Shesha Marakala.

Reference:- Board's Reference No.E.1878-39-5, dated the 9th November 1939.

I enclose the petition dated 20-1-1940 of Sri Sankesha Shesha Marakala received in response to my letter offering him the special conditions contained in the Board's reference cited above. The petitioner states that he has constructed buildings on the plot at a cost of Rs.3000/- and that he stands to lose

site value already paid by him. He desires the assignment of land on darkhast and in the alternative says that he is constrained to abide by the conditions proposed to be impos and requests that final orders may be passed accordingly.

Under B.P.524, dated 18-2-1938 the plot has to be alienated. I recommend, therefore, that alienation of the plot may be sanctioned subject to the conditions proposed.

Reference.

Submitted to the Government with reference to paragraph 2 of their Memo.No.5129 F/39-2, dated the 27th October 1939.

2. The Board recommends that the alienation of the plot may be sanctioned subject to the following conditions:--

3. The alienation will be subject to the payment of Rs.300/- for the occupancy right and subject to assessment which will be liable to revision from time to time according to the rules in force at the time of such revision and to the payment of Re.0-6-0 being the value of the trees standing on the land and subject also to the following conditions to which the alienee has agreed to:

(1) The land shall be used as the site of a fish curing and for no other purpose

(2) The alienation of the rights hereby derived without the sanction of the Government to a person other than British subject or

date the grant.

(3) No building other than one absolutely necessary for fish curing operations shall be constructed on the land without the previous permission of the Collector of the district.

(4) The land shall be subject to all general taxes and

local rates payable by law or custom.

(5) The grantee shall comply with all such orders as the Collector of the District or any other competent officer may issue from time to time to prevent any nuisance being caused by the grantee's methods of conducting his bus

(6) The grantee shall obtain a licence for the establishment of the fish curing yard from the President of the

(7) The grantee shall permit all inspecting officers of the Government with or without workmen or others at all reasonable times to enter upon the premises and to view the condition thereof and to satisfy themselves that the conditions of the alienation are fulfilled

(8) The grantee shall handover the land with any buildings thereon if the fish curing operations cease for more than 12 months, unless he can prove to the satisfaction of the Collector of the District that the factory had to close down for sufficient reasons.

(9) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant or if the local board for any reason cancels or refuses to renew the licence already granted. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have bee executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them.

(10). The Government may resume the land wholly or

in part with any buildings thereon if in the opinion of the Government the land is required for a public purpose including marine purposes or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensations payable for the land and trees shall in no case, exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less. In the event of resumption for marine purposes, the grantee shall immediately give up possession of the land and buildings.

(11) In the event of resumption under condition (10) if there are buildings on the land the Government shall purchase the buildings

(12) In the event of the resumption of the land followed by the purchase of the buildings under condition (11) or in the event of the acquisition of the land for any reason the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition. whichever may be less together with the initial cost or the value at the time of resumption or acquisition whichever may be less of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition.

(13) In the event of the grantee refusing to remove the buildings when so directed under condition (9) the Government may remove them and realise the cost of removal by the sale of the materials.

(14) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable

for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(15) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district

(16) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(17) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(18) In the event of the infringement of, or failure to observe, any of the conditions (15) to (17) the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it

and the whole land shall thereupon vest absolutely in the Government. In that case the alienee grantee shall not be entitled to any compensation whatever.

for Secretary. 8.2.40

To

The Secretary to the Government, Revenue Department,

with a petition dated 20-1-40 in original).

A.S.R./8-9

evoms

To,

The District Collector of South Kanara,

M a n g a l o r e .

SOUTH KANARA
COLLECTOR'S OFFICE.
23 JAN 1940
No.

Humble petition of Sankesha Sesha Marakala nephew of Sankesha Tukra Marakala, residing in Kidiyoor Village of Udipi Taluk, dated 20-1-1940.

Most respectfully showeth,

1. The petitioner received orders N. Ref. C. No. --- 7616-38-B3/20-11-1939 along with orderes of the Board -- sent therewith.

2. Being highly aggrieved by the aforesaid orders, the petitioner begs to submit that in anticipation of favourable orders from the government regarding darkhast of -- S. F. No. 1/1B, I paid the site value thereof, to the -- Government, opened a private fish curing yard by constructing large and costly buildings valued at Rs 3,000/- -- and got possession of the said site.

3. That sometime later, it was proposed to grant the said site to me on conditional darkhast, and the petitioner was anticipating orders to the effect.

4. That unfortunately utlimately orders to the effect that the site could under no circumstances be granted on darkhast; and on receipt of which orders, the petitioner again moved the District Collector by a petition dated 22-3-1939.

5. That under all the circumstances stated above, the petitioner is highly aggrieved standing to lose site value

paid, costly improvements worth about Rs. 3,000/- besides foregoing his profession and so earnestly prays that the District Collector be pleased to reconsider the matter and pass favourable orders of granting the aforesaid site on Darkhast to the petitioner.

6. That if in any event, the prayer of the petitioner cannot be granted, the petitioner alternatively submits that he is painfully constrained to abide by the orders contained in the aforesaid notice and the Board's --- communication and prays that final orders may be passed accordingly.

I beg to remain,

Honoured Sir,

Yours most obedient servant,

ಶ್ರೀಪಾದನಾಯಕ

P e t i t i o n e r .

DEVELOPMENT DEPARTMENT.

Revenue U.O. with support.

P.S.
17/4

R.R.
21/4

Dev.U.O.No.10460-VI/39-1
20.4.39.

REVENUE DEPARTMENT.

ASSIGNMENT - Land - (South Kanara) - Udipi taluk - Kidiyur village - Fish-curing yard - Sankesha Shesha Marakala.

To U.S.

Please see the letter from the Director of Fisheries at pp.1-3 C.F.

2. In his D.Dis. No.2153-38, dated 3.5.38, the Collector of South Kanara had ordered the conditional assignment to one Sankesha Shesha Marakala, of S.No. 1/3 of Kidiyur village (measuring 1.20 acres), Udipi taluk for use as a private fish-curing yard on collection of site value at Rs.250 per acre (and subject to the conditions mentioned in Appx. VII of B.S.O.V.S.T. I with such modifications) The Director of Fisheries reports that the Collr. in his D.Dis. No.5473/38, dated 3.9.38 had rejected the darkhast application and that in his reference No.B-3-7616/38, dated 15.11.38, the Collr. has asked the petitioner if he would be prepared to accept the alienation of the land on the conditions mentioned in the Appendix at pp.6-9 C.F. With reference to the orders in R.O. No.4, dated 3.1.38, in which it was considered that land ~~for~~ required for the purpose of fish-curing yard should be alienated, the Director of Fisheries requests that the G.O. may be revised if necessary, to enable the Collector to treat the alienation as a special case of conditional assignment with the only condition that the site should be used for fish curing yard purposes only It, however, appears from A on p.2 C.F. that the objection of the petitioner

and the Director of Fisheries is not so much as to whether the ~~XXXX~~ grant should take the form of an alienation or assignment, as to the imposition of certain conditions, which they seem to consider to be onerous but which have not been specified. Before proceedings further, it is for orders whether the Board's remarks may be invited. The Board may also be asked to obtain and furnish a copy of the Collr.'s D.Dis.5473/38, dated 3.9.38. Subject to approval a draft endt. is submitted. (on as much as the value of the land is to be collected the conditions need not be stringent. Condition (3) may be omitted. ~~XXXX~~ The other conditions will have to be modified as indicated in pencil).

not communicated

Thro' F 2 G.O.(P)21 Rev 17-2-38 (L)

28/4/39

To the Bd of Rev Memo no 2099 F/39-4 & 2-5-39

From the Collr, S Kan no 1878/39-4 & 25-9-39

To...

Please see the note pp.1-2 ante, the memo to the Board on p.10 of and the Bd's order, on pp 12-14 of

.....The Collector of South Kanara at first ordered in his order & 3-5-38 the transfer ~~to~~ by way of assignment of the land in S.No 1/1 of Kudiyur village, Udipi Taluk, to Sri Sankesha Sesha Markala for a fish curing yard subject to the payment of market value and to the conditions

laid down in appendix VI to B.S.O 15-35 (viii

As, however, Govt had ordered in G.O. no 4 & 3-1-38 that land required for purposes of fish curing yards should be alienated the Collector in his subsequent proceedings dropped the question of Conditional assignmen and called for proposals for the alienation of the plot in ~~question~~ favour of the petitioner. The petitioner has paid the market value of the site and the value of the trees.

The Director of Fisheries suggested that the conditions of alienation are too stringent and that the ~~land should be~~ only conditions that should be imposed is that the land sho be used for fish curing yard purpose only.

The Board of Rev has examini the question. It has observed that the purpose for which the petitioner requires the land i similar to the case of fish oil and fish guano factories dealt with in B.S.O 15-35 (It fails to understand how the grantee will suffer hardship if the land is alienated to him rather than assigned. The Board consider it unnecessary to revoke the orders in G.O. no 4 Rev & 3-1-38 as suggested by the D.

3. In this connexion the Board ha considered the question of what Conditions should be imposed in the case of alienation

para 3 pp 13-14 of

The Board's view is Correct & may be accepted. P 16/6/40 W

If this proposal is eventually approved the present type of case will not be required but for eventual assignment what is stated will apply to the same

Pending final orders on the above proposal the allotment proposals in this case may be put up to Govt. may approach the Bd. regarding the

Secy.

W.O. 30159

Dev.

L.A. Revenue 5129 P/39-1
10.10.39

Dev. Dept.

To A.S

This Dept. may concur in the Revenue Dept. Secretary's view at 'A' above. The file may be passed on to the L.A. Dept.

11 OCT 1939
DEVELOPMENT DEPARTMENT

13/10/39

13 OCT 1939

11/10 11.10.39 11/10/39

L.A.D. Dev. No. 30159 D1/39
14.10.39

A.S.D. There is no objection to the adoption of the course suggested by Rev. Secy. above. The case may be returned

16 OCT 1939
SECRETARY TO GOVERNMENT
LOCAL ADMINISTRATION DEPT.

17/10 17.10.39 17/10

To u.s

Please see para 4 of Bd. re fee at p 14 cf. The list of Conditions at pp 18-21 cf may be approved. The Board may be asked to obtain the Consent of the alinee to the special Conditions and to submit the same to Govt. The Bd may also be informed that its views at the end of para 3 on p 14 cf are approved. A draft memo submitted for approval.

25/10.

27/10.

p 26 cf To the Bd of Rev memo no 5129 F/39-2 & 27.10
pp 28-36 cf From — u — Ref Enq 1878/39-6 & 8-2-40.

To u.s.

Please see the note from para ante, the memo to the Bd at p 26 cf., and the Bd's reply at pp 28-33 cf.

2. Sri Sankesha Seshe Markala has (tho' reluctantly) agreed to the Conditions of alienation. The Board recommends that the alienation may be sanctioned. The Bd's recommendation may be accepted. The Conditions of alienation at pp 29-33 cf do not call for any remarks. A draft order is submitted for approval. It may be

Sent to Dev, L.A.D and Fin for acceptance

16/2

Thu 29/2

Dev

L.A.D

Fin

Rev.U.O.No 5129 I/39.

20.2.40

ASSISTANT SECRETARY TO GOVERNMENT
21 FEB 1940
DEVELOPMENT DEPARTMENT

Dev. Dept.

To A-S.

(Previous note at 5, 6 above) for the word "factory" occurring in condition 6 (a) of the draft order, the word "yard" may be substituted. Subject to this remark the draft order may be accepted and the file passed on to the L.A. Dept.

D.5204 (VI)

21-2-40

A.A.

21.2.40.

22/2/40

L.A. Deptt

Dev.(W) 5204 (VI)/40.1

22.2.40.

SECRETARY TO GOVERNMENT
23 FEB 1940
LOCAL ADMINISTRATION

The draft order may be accepted and the case passed on to Fin (W).

TRL

23/2

TMR

26.2.40

Fin

6139

L.Adm.No 6139-I/40

26.2.40

ASSISTANT SECRETARY TO GOVERNMENT
26 FEB 1940
FINANCE DEPT.

The Collector of South Kanara in his proceedings D.Dis No.2153-38 dated 3-5-38 ordered the conditional assignment of a plot measuring 1.20 acres in Kidiyour village to one Sankesha Shesha Marakala for use as a private fish-curing yard subject to the condition prescribed in Appendix VII on pp.184-185 of B.S.O.Vol for the assignment of land for fish oil and fish guano factory in the Districts of Malabar and South Kanara. Sesha Marakala paid the site value of Rs 300 in the treasury on 23-6-1938 and erected buildings costing Rs 2,500 in the plot for the purpose of fish curing yard. The Collector cancelled the order of assignment later in September 1938 and called for proposals for the alienation of the plot in the applicant's favour subject to the usual conditions attached for alienation in view of the orders issued in G.O.No.4 dated 3-1-38 that the land required for the fish-curing yards should be alienated.

On a representation made by the applicant, the Director of Fisheries recommended that as the conditions of alienation offered to the applicant were too stringent, order in G.O. No. 4 Rev. Dt. 3.1.38 might be revised to enable the Collector to alienate as a special case of conditional assignment with the only condition that the site should be used for fish curing yard purposes only. The Board of Revenue pointed out that so long as the alienee did not violate the conditions of alienation his tenure of the land was as good as holding it under such an order of assignment and that it was unnecessary to revise the orders in G.O.No.4 Revenue dated 3-1-38.

The alienee has now reluctantly agreed to abide by the conditions of alienation. The Revenue department accordingly propose to issue orders sanctioning the alienation . This may be agreed to

and the draft order be accepted

Fin no 7491A Acts
6787 no

Rev. Sectt. 23—3,006—23-12-36.

GOVERNMENT OF MADRAS.

*Received*_____193 . *Registered*_____193 .

Abstract.

REVENUE DEPARTMENT.

G.O. No. Ms. 656 **Dated the** 12/3/40

READ the following :—

C No ₹ 2099 F/39 from the Dir of Fisheries Rf No 3205 F/38-3 dt 3-4-39

5129 F/39 " the Collr Rf. E No 1878-39-4 dt 25-9-39.

— " — Rf. E No 1878-39-6 dt 8-2-40.

ORDER—

Sanction is accorded to

~~The Government sanction~~ the alienation of the plot of land in S No 1/1B measuring 1.20 acres in Kidiyur village, Udipi Tk, S. Kanara dt. in favour of Sri Sankesha Seva Karakala for use as the site of a fish curing yard.

2. The alienation will be ~~free of charge for the occupancy right~~ subject to the payment of Rs 300/- (Rupees three hundred only) for the occupancy right and subject to assessment which will be liable to revision from time to time according to the rule in force at the time of such revision and to the payment of Rs 0-6-0 (annas six only) being the value of the trees standing on the land

and ~~but~~ subject to the following conditions :—

(1) The land shall be used as the site of a fish curing yard

and for no other purpose.

~~from the date~~

(2) The alienation of the rights hereby demised without the sanction of the Govt to a person other than a British subject or a subject of an ~~other~~ State shall invalidate the grant

(3) No building other than one absolutely necessary for fish curing operations shall be constructed on the land without the previous permission of the Collector of the district.

(4) The Land shall be subject to all general taxes and local rates payable by law or custom.

(5) The grantee shall comply with all such orders as the Collector of the district or any other Competent officer may issue from time to time to prevent any nuisance being caused by the grantees methods of conducting his business.

(6) The grantee shall obtain a licence for the establishment of the fish curing yard from the President of the Local Board.

(7) The grantee shall permit all inspecting officers of the Govt with or without workmen or others at all reasonable times to enter upon the premises and to view the Condition thereof and to satisfy [illegible] Conditions of this alienation are fulfilled.

8) The grantee shall hand over the Land with any buildings thereon if the fish curing operations Cease for more than 12 months, unless he can prove to the satisfaction of the Collector of the district that the ~~factory~~ yard had to close down for sufficient reasons.

or if the local board for any reason cancels or refuses to renew the licence already granted

(9) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them.

(10) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less. In the event of resumption for mining purpose, the grantee shall immediately give up possession of the land and buildings.

(11) In the event of resumption under condition (10) if there are buildings on the land, the Government ~~may, at their option, either—~~ shall

~~(a)~~ purchase the buildings, ~~or~~

~~(b) direct the grantee to remove the buildings.~~

(12) In the event of the resumption of the land followed by the purchase of the buildings under condition (11) or in the event of the acquisition of the land for any reason, the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3)

(13) In the event of the grantee refusing to remove the buildings, when so directed under condition (9) the Government may remove them and realize the cost of the removal by the sale of the materials.

(14) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but ~~and~~ the grantee shall ~~not~~ be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment, whichever may be less.

(15) The Govt reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the Land and the Govt shall be at liberty to cut or dig at any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The grantee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(16) The grantee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(17) The grantee shall take steps to see that the mark made by the officers of the Govt on the sandalwood trees are preserved and are not tampered with; and

(18) In the event of the infringement of, or failure to observe, any of the conditions (15) to (17) the grantee shall pay to the Govt such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part the Govt shall also be at liberty to resume the land and resume on it and the whole land shall thereupon vest absolutely in the Govt. In that case the grantee shall not be entitled to any compensation whatever.

The Board ✓
Dir of Fisheries ✓
Forest Dept ✓
L.A.D. ✓

✓ 16/7
✓ 16/7